

SENATE BILL 138

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2002 Regular Session
2r1218
CF 2r1900

By: **Senator Baker**

Introduced and read first time: January 11, 2002
Assigned to: Judicial Proceedings

Committee Report: Favorable
Senate action: Adopted
Read second time: February 19, 2002

CHAPTER _____

1 AN ACT concerning

2 **Kent County - Alcoholic Beverages Inspector - Tobacco Enforcement**

3 FOR the purpose of granting to an alcoholic beverages inspector for Kent County the
4 power to enforce certain laws relating to unlawfully selling, distributing,
5 purchasing, or possessing tobacco products; and generally relating to the powers
6 of an alcoholic beverages inspector for Kent County.

7 BY repealing and reenacting, without amendments,
8 Article 2B - Alcoholic Beverages
9 Section 15-112(p)(1)
10 Annotated Code of Maryland
11 (2001 Replacement Volume)

12 BY repealing and reenacting, with amendments,
13 Article 2B - Alcoholic Beverages
14 Section 15-112(p)(5)
15 Annotated Code of Maryland
16 (2001 Replacement Volume)

17 BY repealing and reenacting, without amendments,
18 Article - Criminal Law
19 Section 10-106, 10-107, and 10-108
20 Annotated Code of Maryland
21 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
22 2002)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article 2B - Alcoholic Beverages**

4 15-112.

5 (p) (1) This subsection applies only in Kent County.

6 (5) An alcoholic beverages inspector has the following powers and duties:

7 (i) To investigate all applicants for an alcoholic beverages license
8 or transfer of license;

9 (ii) To enforce all alcoholic beverages laws of Kent County AND THE
10 TOBACCO LAWS UNDER §§ 10-106, 10-107, AND 10-108 OF THE CRIMINAL LAW ARTICLE
11 with the same powers as a law enforcement officer of the State;

12 (iii) To inspect, at unannounced times, every licensed premises at
13 least once every 90 days;

14 (iv) To investigate all violations of the alcoholic beverages laws;

15 (v) To report all violations of the alcoholic beverages laws to the
16 Board; and

17 (vi) To give monthly written reports to the Board covering all:

18 1. Inspection activities;

19 2. Complaints; and

20 3. Violations, either observed or reported.

21 **Article - Criminal Law**

22 10-106.

23 (a) A person may not sell or offer for sale a clove cigarette.

24 (b) A person who violates this section is guilty of a misdemeanor and on
25 conviction is subject to a fine of \$500.

26 10-107.

27 (a) This section does not apply to the distribution of a coupon that is
28 redeemable for a tobacco product, if the coupon is:

29 (1) contained in a newspaper, magazine, or other type of publication in
30 which the coupon is incidental to the primary purpose of the publication; or

1 (2) sent through the mail.

2 (b) (1) This subsection does not apply to the distribution of a tobacco product
3 to a minor who is acting solely as the agent of the minor's employer if the employer
4 distributes tobacco products for commercial purposes.

5 (2) A person who distributes tobacco products for commercial purposes,
6 including a person licensed under Title 16 of the Business Regulation Article, may not
7 distribute to a minor:

8 (i) a tobacco product;

9 (ii) a cigarette rolling paper; or

10 (iii) a coupon redeemable for a tobacco product.

11 (c) A person not described in subsection (b)(2) of this section may not:

12 (1) purchase for or sell a tobacco product to a minor; or

13 (2) distribute a cigarette rolling paper to a minor.

14 (d) In a prosecution for a violation of this section, it is a defense that the
15 defendant examined the purchaser's or recipient's driver's license or other valid
16 identification issued by an employer, government unit, or institution of higher
17 education that positively identified the purchaser or recipient as at least 18 years of
18 age.

19 (e) A person who violates this section is guilty of a misdemeanor and on
20 conviction is subject to a fine not exceeding:

21 (1) \$300 for a first violation;

22 (2) \$1,000 for a second violation occurring within 2 years after the first
23 violation; and

24 (3) \$3,000 for each subsequent violation occurring within 2 years after
25 the preceding violation.

26 (f) For purposes of this section, each separate incident at a different time and
27 occasion is a violation.

28 10-108.

29 (a) In this section, "violation" has the meaning stated in § 3-8A-01 of the
30 Courts Article.

31 (b) This section does not apply to the possession of a tobacco product or
32 cigarette rolling paper by a minor who is acting as the agent of the minor's employer
33 within the scope of employment.

1 (c) A minor may not:

2 (1) use or possess a tobacco product or cigarette rolling paper; or

3 (2) obtain or attempt to obtain a tobacco product or cigarette rolling
4 paper by using a form of identification that:

5 (i) is falsified; or

6 (ii) identifies an individual other than the minor.

7 (d) (1) A violation of this section is a civil offense.

8 (2) A minor who violates this section is subject to the procedures and
9 dispositions provided in Title 3, Subtitle 8A of the Courts Article.

10 (e) A law enforcement officer authorized to make arrests shall issue a citation
11 to a minor if the law enforcement officer has probable cause to believe that the minor
12 is committing or has committed a violation of this section.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2002.